

Senate Bill 479

By: Senator Thompson of the 33rd

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 37-1-21 of the Official Code of Georgia Annotated, relating to  
2 institutional powers and duties of the Board and Department of Human Resources regarding  
3 mental health, so as to require notification of the local government with jurisdiction over the  
4 site where the Department of Human Resources and its specified agents and designees plan  
5 to construct, build, acquire, lease, locate, or contract for the use of certain facilities, hospitals,  
6 or institutions; to provide for a response from the local government so notified; to provide  
7 that the department is not authorized to proceed with plans for such facility, hospital, or  
8 institution without the consent of the local government; to amend Chapter 2 of Title 42 of  
9 the Official Code of Georgia Annotated, relating to the state Board and Department of  
10 Corrections, so as to require notification of the local government with jurisdiction over the  
11 site where the Department of Corrections plans to construct, build, acquire, lease, locate, or  
12 contract for the use of any of certain correctional institutions or other facilities used for  
13 supervision of persons within the custody or under the supervision of the department; to  
14 provide for a response from the local government so notified; to provide that the department  
15 is not authorized to proceed with plans for such correctional or other facility without consent  
16 of the local government; to amend Chapter 4A of Title 49 of the Official Code of Georgia  
17 Annotated, relating to the state Department of Juvenile Justice, so as to require notification  
18 of the local government with jurisdiction over the site where the Department of Juvenile  
19 Justice plans to construct, build, acquire, lease, locate, or contract for the use of any of  
20 certain juvenile detention, supervision, or treatment facilities; to provide for a response from  
21 the local government so notified; to provide that the department is not authorized to proceed  
22 with plans for such juvenile detention, supervision, or treatment facility without the consent  
23 of the local government; to provide for related matters; to provide for an effective date; to  
24 repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 479

- 1 -

**SECTION 1.**

Code Section 37-1-21 of the Official Code of Georgia Annotated, relating to institutional powers and duties of the Board and Department of Human Resources regarding mental health, is amended by adding a new subsection to read as follows:

"(c)(1) The department shall notify the county, municipal corporation, or consolidated government that encompasses the geographic site where the department plans to construct, build, acquire, lease, locate, or contract for the use of any new facility, hospital, or institution for programs for the care, custody, and treatment of addictive disease or substance abuse or any new facility, hospital, or institution that will house persons in confinement. For cities and counties, the department shall notify the county if the site is located in the unincorporated part of a county and shall notify the municipal corporation if the site is located within the corporate limits of a municipal corporation.

(2) A local government that receives such a notification shall respond to the department within 90 days of receipt of notification, and such response shall indicate whether the governing authority of the local government has, by majority vote, consented to the construction, building, acquisition, lease, location, or contract for the use of such facility, hospital, or institution within its geographic jurisdiction.

(3) The department is not authorized to proceed with plans for the construction, building, acquisition, lease, location, or contract for the use of any such facility, hospital, or institution without the consent of the governing authority of the local government having jurisdiction over the proposed site."

**SECTION 2.**

Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the state Board and Department of Corrections, is amended by inserting a new Code section to be designated Code Section 42-2-15 to read as follows:

"42-2-15.

(a) The department shall notify the county, municipal corporation, or consolidated government that encompasses the geographic site where the department plans to construct, build, acquire, lease, locate, or contract for the use of a new correctional institution, work release center, detention center, or other institution for holding or supervising persons who are in the custody or under the supervision of the department. For cities and counties, the department shall notify the county if the site is located in the unincorporated part of a county and shall notify the municipal corporation if the site is located within the corporate limits of a municipal corporation.

(b) A local government that receives such a notification shall respond to the department within 90 days of receipt of notification, and such response shall indicate whether the governing authority of the local government has, by majority vote, consented to the construction, building, acquisition, lease, location, or contract for the use of a facility for holding or supervising persons who are in the custody or under the supervision of the department within its geographic jurisdiction.

(c) The department is not authorized to proceed with plans for the construction, building, acquisition, lease, location, or contract for the use of any facility for holding or supervising persons who are in the custody or under the supervision of the department without consent of the governing authority of the local government having jurisdiction over the proposed site."

### SECTION 3.

Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the state Department of Juvenile Justice, is amended by striking Code Section 49-4A-4, relating to the purpose of the chapter and detention care facilities, in its entirety and inserting in its place a new Section 49-4A-4 to read as follows:

"49-4A-4.

(a) It is the purpose of this chapter to establish the department as the agency to administer, supervise, and manage juvenile detention facilities. Except for the purposes of administration, supervision, and management as provided in this chapter, juvenile detention facilities shall continue to be detention care facilities for delinquent and unruly children and youth for the purposes of Article 1 of Chapter 11 of Title 15, relating to juvenile courts and juvenile proceedings.

(b) The department shall notify the county, municipal corporation, or consolidated government that encompasses the geographic site where the department plans to construct, build, acquire, lease, locate, or contract for the use of a new juvenile detention facility or other facility for holding, supervising, or treating persons who are in the custody or under the care or supervision of the department. For cities and counties, the department shall notify the county if the site is located in the unincorporated part of a county and shall notify the municipal corporation if the site is located within the corporate limits of a municipal corporation.

(c) A local government that receives such a notification shall respond to the department within 90 days of receipt of notification, and such response shall indicate whether the governing authority of the local government has, by majority vote, consented to the

1 construction, building, acquisition, lease, location, or contract for the use of such juvenile  
2 detention, supervision, or treatment facility within its geographic jurisdiction.

3 (d) The department is not authorized to proceed with plans for the construction, building,  
4 acquisition, lease, location, or contract for the use of any facility for holding, supervising,  
5 or treating persons who are in the custody or under the supervision of the department  
6 without consent of the governing authority of the local government having jurisdiction  
7 over the proposed site."

8 **SECTION 4.**

9 This Act shall become effective on July 1, 2006.

10 **SECTION 5.**

11 All laws and parts of laws in conflict with this Act are repealed.